



Subject Benchmark Statement

Law: Draft for Consultation

March 2015

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How can I use this document?

This document is a Subject Benchmark Statement for Law that defines what can be expected of a graduate in the subject, in terms of what they might know, do and understand at the end of their studies.

You may want to read this document if you are:

- involved in the design, delivery and review of programmes of study in law or related subjects
- a prospective student thinking about studying law, or a current student of the subject, to find out what may be involved
- an employer, to find out about the knowledge and skills generally expected of a graduate in law.

Explanations of unfamiliar terms used in this Subject Benchmark Statement can be found in the Quality Assurance Agency for Higher Education's (QAA's) glossary.¹

¹ The QAA glossary is available at: www.qaa.ac.uk/about-us/glossary.

About Subject Benchmark Statements

Subject Benchmark Statements form part of the UK Quality Code for Higher Education (the Quality Code) which sets out the Expectations that all providers of UK higher education reviewed by QAA are required to meet.² They are a component of Part A: Setting and Maintaining Academic Standards, which includes the Expectation that higher education providers 'consider and take account of relevant Subject Benchmark Statements' in order to secure threshold academic standards.³

Subject Benchmark Statements describe the nature of study and the academic standards expected of graduates in specific subject areas, and in respect of particular qualifications. They provide a picture of what graduates in a particular subject might reasonably be expected to know, do and understand at the end of their programme of study.

Subject Benchmark Statements are used as reference points in the design, delivery and review of academic programmes. They provide general guidance for articulating the learning outcomes associated with the programme but are not intended to represent a national curriculum in a subject or to prescribe set approaches to teaching, learning or assessment. Instead, they allow for flexibility and innovation in programme design within a framework agreed by the subject community. Further guidance about programme design, development and approval, learning and teaching, assessment of students, and programme monitoring and review is available in Part B: Assuring and Enhancing Academic Quality of the Quality Code in the following Chapters:⁴

Chapter B1: Programme Design, Development and Approval

Chapter B3: Learning and Teaching

Chapter B6: Assessment of Students and the Recognition of Prior Learning

Chapter B8: Programme Monitoring and Review.

For some subject areas, higher education providers may need to consider other reference points in addition to the Subject Benchmark Statement in designing, delivering and reviewing programmes. These may include requirements set out by professional, statutory and regulatory bodies, national occupational standards and industry or employer expectations.

In such cases, the Subject Benchmark Statement may provide additional guidance around academic standards not covered by these requirements.⁵ The relationship between academic and professional or regulatory requirements is made clear within individual statements, but it is the responsibility of individual higher education providers to decide how they use this information. The responsibility for academic standards remains with the higher education provider who awards the degree.

Subject Benchmark Statements are written and maintained by subject specialists drawn from and acting on behalf of the subject community. The process is facilitated by QAA. In order to ensure the continuing currency of Subject Benchmark Statements, QAA initiates

² The Quality Code, available at www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code, aligns with the *Standards and Guidelines for Quality Assurance in the European Higher Education Area*, available at: www.enqa.eu/wp-content/uploads/2013/06/ESG_3edition-2.pdf.

³ Part A: Setting and maintaining academic standards, available at: www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-a.

⁴ Individual Chapters are available at: www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b.

⁵ See further Part A: Setting and maintaining academic standards, available at: www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-a.

regular reviews of their content, five years after first publication, and every seven years subsequently.

Relationship to legislation

Higher education providers are responsible for meeting the requirements of legislation and any other regulatory requirements placed upon them, for example by funding bodies.

The Quality Code does not interpret legislation nor does it incorporate statutory or regulatory requirements. Sources of information about other requirements and examples of guidance and good practice are signposted within the subject benchmark statement where appropriate. Higher education providers are responsible for how they use these resources.⁶

Equality and diversity

The Quality Code embeds consideration of equality and diversity matters throughout. Promoting equality involves treating everyone with equal dignity and worth, while also raising aspirations and supporting achievement for people with diverse requirements, entitlements and backgrounds. An inclusive environment for learning anticipates the varied requirements of learners, and aims to ensure that all students have equal access to educational opportunities. Higher education providers, staff and students all have a role in, and responsibility for, promoting equality.

Equality of opportunity involves enabling access for people who have differing individual requirements as well as eliminating arbitrary and unnecessary barriers to learning. In addition, disabled students and non-disabled students are offered learning opportunities that are equally accessible to them, by means of inclusive design wherever possible and by means of reasonable individual adjustments wherever necessary.

⁶ See further the *UK Quality Code for Higher Education: General Introduction*, available at: www.qaa.ac.uk/publications/information-and-guidance/publication?PubID=181..

About this Subject Benchmark Statement

This Subject Benchmark Statement refers to bachelor's degrees with honours in Law.⁷

This version of the statement forms its third edition, following initial publication in 2000 and review and revision in 2007.⁸

Note on alignment with higher education sector coding systems

Programmes of study which use this Subject Benchmark Statement as a reference point are generally classified under the following codes in the Joint Academic Coding System (JACS):

M100 (Law by area), M110 (UK Legal systems), M111 (English law), M112 (Welsh law), M113 (Northern Irish law), M114 (Scottish law), M120 (European Union law), M130 (Public international law), M140 (Comparative law), M190 (Law by area not elsewhere classified), M200 (Law by topic), M210 (Public law), M211 (Criminal law), M220 (Private law), M221 (Business & commercial law), M222 (Contract law), M223 (Property law), M224 (Torts), M240 (Jurisprudence), M250 (Legal practice), M260 (Medical law), M270 (Sociology of law), M900 (Others in law), M990 (Law not elsewhere classified).⁹

Summary of changes from the previous Subject Benchmark Statement (2007)

- We have made considerable changes to the structure of the statement. We have done so to reflect the panel's view that a law graduate is far more than a sum of their knowledge and understanding, and is a well skilled graduate with considerable transferable generic and subject-specific knowledge, skills and attributes. This is why the benchmark outcomes are titled 'A law student's skills and qualities of mind' and not, simply, 'Subject knowledge and understanding'. We have, for example, kept references to knowledge and understanding, and study in depth, and we have added references to self-management and academic integrity. The panel also considered that a law student's skills and qualities could be clearly and succinctly stated, without educational jargon, in a single statement; so we amended the previous version which had one statement for employers and the general public and another for Law Schools. In respect of the latter, there is considerable support and guidance provided in the Quality Code, including but not limited to Part B. We do not duplicate that here.
- We have updated the language, tone, style and structure reflecting contemporary issues in learning, teaching and assessment and to reflect the need to add employability skills to the threshold statement. So, for example, we have added the requirement that the interpretation of data will include textual, numerical and statistical.

We encourage Law Schools to help students to articulate to employers what they can do and what their qualities of mind are by using this statement.

⁷ Bachelor's degrees are at level 6 in *The Framework for Higher Education Qualifications in England, Wales and Northern Ireland* and level 10 in *The Framework for Qualifications of Higher Education Institutions in Scotland*, as published in *The Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies*, available at: www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/qualifications.

⁸ Further information is available in the *Recognition Scheme for Subject Benchmark statements*, available at: www.qaa.ac.uk/publications/information-and-guidance/publication?PubID=190.

⁹ Further information about JACS is available at: www.hesa.ac.uk/content/view/1776/649/.

1 Contextual statement

1.1 Studying law at undergraduate level is an academic matter. Law graduates do not, by virtue of their degree, have a right to practise law professionally. The study of law involves the acquisition of legal knowledge, general intellectual skills and certain skills that are specific to the study of law. The balance that there will be between the acquisition of legal knowledge, general intellectual skills and subject specific skills in a curriculum will vary between Law Schools.

1.2 The study of law exposes students to a wide range of methods and techniques, some of which are specific to the discipline but some of which are drawn from the humanities and social sciences. The emphasis placed on the range and type of methods varies between Law Schools. Courses differ in some respects and their emphases reflect the interest and expertise of their staff as well as the resources at their disposal. The common denominator is the requirement on the student to apply their understanding of legal doctrine, skills and values. There are many ways of achieving this and different higher education providers will choose different approaches.

1.3 The study of law may focus on one or more jurisdictions. This Statement requires knowledge of the main features and principles of whichever legal system is (or systems are) being considered. Areas covered may include the relationships between individuals, and between individuals and the state, as well as sources of law. Law is, however, shaped by and in turn impacts on the ethical, social, political and economic norms of that (or those) jurisdiction(s) and these may also be reflected in the curriculum.

1.4 In addition to the general intellectual training that they provide, law degrees also give a preparation for a range of careers broadly aligned with the social sciences, humanities and legal practice. As such, law students are highly employable not only in the law but also in a variety of highly skilled and analytical roles in business, education, public policy, public service, social services in the UK and internationally.

1.5 This Statement focuses on the minimum that a law student will know or be able to do in order to pass at undergraduate level, in other words the threshold standard. All Law Schools will expect the vast majority of their graduates to be able to do much better than achieve this minimum standard.

1.6 This Statement uses the term Law School to include all providers of law programmes at undergraduate level.

2 Benchmark standards

2.1 This section describes the minimum or threshold level of achievement that should be reached by all graduates with a bachelor's with honours in Law.

2.2 Important abilities and qualities of mind are acquired through the study of law that are readily transferable to many occupations and careers. Some of these qualities and abilities are generic, in that they are imparted by most degree programmes in the humanities and social sciences. But degree-level study in law also instils ways of thinking that are intrinsic to the subject, while being no less transferable. These include an appreciation of the complexity of legal rules and principles, a respect for context and evidence, and a greater awareness of the importance of the principles of justice and the rule of law to the foundations of society.

2.3 A graduate of law has demonstrated:

- intellectual independence including ability to ask and answer cogent questions about law and legal systems, identify gaps in their own knowledge and acquire new knowledge, and engage in critical analysis and evaluation
- self-management, including an ability to reflect on their own learning, make use of feedback, a willingness to acknowledge and correct errors and an ability to work collaboratively
- awareness of principles and values of law and justice, and of ethics
- knowledge and understanding of theories, concepts, values, principles and rules of public and private laws within an institutional, social, national and global context
- study in depth and context of some substantive areas of law
- ability to conduct self-directed research including accurate identification of issue(s) which require researching, retrieval and evaluation of accurate, current and relevant information from a range of appropriate sources including primary legal sources
- ability to interpret a range of data, including textual, numerical and statistical
- ability to tolerate ambiguity and deal with uncertainty in law
- ability to produce a synthesis of relevant doctrinal and policy issues, presentation of a reasoned choice between alternative solutions and critical judgement of the merits of particular arguments
- ability to apply knowledge and understanding to offer evidenced conclusions, addressing complex actual or hypothetical problems
- ability to communicate both orally and in writing, in relation to legal matters, including an ability to listen and respond to oral stimuli including questions and instructions
- engagement with their own personal and professional development, and academic integrity.

3 Learning, teaching and assessment

3.1 Students engage with legal education in a variety of ways and may include classroom or online learning, independent study, or a mixture of options, full or part-time. Legal education providers should consider how standards, quality and the coherence of the learning experience may be maintained while taking steps to enable informed learning choices for students. The introduction of more flexible modes of study should be accompanied by due consideration of the implications for learning design. Legal education providers should ensure that the activities envisaged are consistent with the overall goals of the programme, and that they are well supported and fully documented, including where appropriate: information about module requirements and responsibilities; intended learning outcomes; supervision arrangements; and assessment strategies and standards.

3.2 A programme of learning and teaching in law should be designed to enable students to demonstrate the attainment of the relevant learning outcomes, and assessment strategies should be capable of demonstrating how well students have achieved these outcomes. Legal education providers should also ensure suitable safeguards to ensure the authenticity of learning and be clear with students about the limits of cooperative learning. Students should be supported in a progressive acquisition of subject knowledge and skills, gradually advancing towards more independent learning. The acquisition of skills should be planned in conjunction with the knowledge-based curriculum, so that the relationship between the two is given detailed consideration. Skills should be taught, practised and assessed within a curriculum framework that is balanced, coherent and progressive, so that the level of challenge and achievement is gradually increased throughout. The development of the skills specified in this Statement requires that students are well supported to be able to use the range of tools and resources available to them. Students should have the opportunity to receive critical and constructive feedback on their performance. Feedback may come from a range of sources (for example, tutors, peers, work placement employers) but to be effective should assist students to further develop their understanding of the requirements of the discipline, and help them to demonstrate their knowledge and skills.

3.3 Whatever their study mode, it is recommended that students experience a range of teaching methods throughout their law programme and this might typically, although not exclusively, include lectures, small group formats, online learning environments, self-directed or collaborative study, experiential learning and problem-based learning. Legal education providers are encouraged to ensure that students are able to actively engage in, and reflect on, their learning and thereby help them to progressively grow in confidence as independent learners.

3.4 Higher education providers with direct or indirect responsibility for a recognised law programme should ensure that teaching and learning resources, including staff, library provision, and information and communications technology, are adequate to enable students enrolled on a law programme to gain the knowledge and acquire the skills set out in this Statement and in any regulatory competence or professional framework statements of the legal regulation bodies, as relevant to the programme of study.

3.5 The range of assessment methods should be appropriate to make valid judgements about a student's overall level of achievement in relation to the prescribed learning outcomes. Assessment may be timed or untimed, seen or unseen, continuous or examination based, and tasks that a student might be expected to encounter could include: essays and reports of varying length; case notes; statutory interpretation; briefs; annotated bibliographies; critiques of articles; oral/video presentations; moots; skills-based assessments; reflective learning journals; research project/dissertation; work/clinic based assessments; creation, use and management of online resources.

3.6 Learning, teaching and assessment procedures should provide all students with the opportunity to demonstrate they have met the skills and qualities of mind set out in this Statement. Law Schools should recognise the importance of inclusive practice in this regard and should be sensitive to equal opportunities requirements as indicated by good practice and relevant legislative obligations.

3.7 Assessment procedures should be sensitive to issues of authenticity.

3.8 Learning, teaching and assessment strategies should be regularly reviewed and updated as appropriate, reflecting advances in pedagogy and information technology. Legal education providers are also encouraged to seek out and to share examples of effective learning, teaching and assessment practice.

Appendix: Membership of the benchmarking and review groups for the Subject Benchmark Statement for Law

Membership of the review group for the Subject Benchmark Statement for Law (2015)

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| Professor Rebecca Huxley-Binns (Chair) | University of Law |
| Professor Chris Ashford | University of Northumbria |
| Professor Anthony Bradney | Keele University, Society of Legal Scholars |
| Graeme Broadbent | Kingston University |
| Professor Chantal Davies | University of Chester |
| Jane Chapman | Formerly University of Law |
| Richard Grimes | University of York |
| Dr Jess Guth | University of Bradford, Socio-Legal Studies Association |
| Jenny Hamilton | University of London |
| Dr Grainne McKeever | University of Ulster |
| Sheree People | De Montfort University |
| Dr Maureen Spencer | Middlesex University |
| Caroline Strevens | University of Portsmouth |
| Zoe Swan | University of Greenwich |
| Donna Whitehead | University of South Wales |
| Travey Varnava | University of London |
| Dr Tim Burton | Quality Assurance Agency for Higher Education |
| Dr Cathy Kerfoot | Quality Assurance Agency for Higher Education |
| Dan Murch | Quality Assurance Agency for Higher Education |

Employer representative

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| Tony King | Clifford Chance LLP |
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Professional, statutory and regulatory body representative

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| Carol Cook | Solicitors Regulation Authority |
| Simon Thornton-Wood | Bar Standards Board |
| Alison Hollyer | The Chartered Institute of Legal Executives |

Student reader

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|------------------|----------------------|
| Charlie Eastaugh | University of Surrey |
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Membership of the review group for the Subject Benchmark Statement for Law (2007)

Details provided below are as published in the second edition of the Subject Benchmark Statement.

| | |
|--------------------------|-----------------------------------|
| M Cuthbert | University of Northampton |
| A Dugdale | University of Keele |
| Professor M Gunn (Chair) | Nottingham Trent University |
| A Wilton | University of Newcastle upon Tyne |

Membership of the original benchmarking group for Law (2000)

Details provided below are as published in the original Subject Benchmark Statement.

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|----------------------------|--|
| Professor S Bailey | University of Nottingham |
| Professor J Bell | University of Leeds |
| Professor A Bensted | University of the West of England, Bristol |
| Mr J Campbell | The Law Society of Scotland |
| Mr M Cuthbert | University College Northampton |
| Professor C Gane | University of Aberdeen |
| Professor D Hayton | King's College London |
| Professor R Hepple (Chair) | Clare College, University of Cambridge |
| Mr J Hodgson | The Nottingham Trent University |
| Professor B Lee | University of Wales, Cardiff |
| Mr A O'Donnell | Glasgow Caledonian University |
| Professor A Paterson | University of Strathclyde |
| Professor A Sherr | Institute of Advanced Legal Studies |

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